

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

NETWORK MONITORING LLC,	§	Case No. 2:21-cv-00148-JRG
	§	
Plaintiff,	§	
	§	<u>JURY TRIAL DEMANDED</u>
v.	§	
	§	
SKYSCANNER LTD.,	§	
	§	
Defendant.	§	
	§	

JOINT P.R. 4-3 CLAIM CONSTRUCTION AND PREHEARING STATEMENT

In accordance with Patent Rule 4-3 and the Court’s Docket Control Order of December 13, 2021 (Dkt. No. 19), the parties to the above-captioned case provide the following Joint Claim Construction and Prehearing Statement regarding the asserted claims of U.S. Patent Nos. 9,058,416 and 9,608,946. In accordance with Patent Rule 4-2(c), the parties have met and conferred for the purposes of narrowing the issues and finalizing preparation of this Joint Claim Construction Chart.

I. P.R. 4-3(a)(2) Disputed Terms

Plaintiff’s proposed constructions, and identification of intrinsic and extrinsic evidence is attached hereto as Exhibit A. Defendant’s proposed constructions, and identification of intrinsic and extrinsic evidence is attached hereto as Exhibit B. Each party also reserves the right to cite to intrinsic and/or extrinsic evidence cited by the other party.

II. P.R. 4-3(a)(3) Anticipated Length of Time for the Claim Construction Hearing

The parties expect that 4 hours will provide sufficient time to conduct the claim construction hearing.

III. P.R. 4-3(a)(4) Anticipated Witnesses at the Claim Construction Hearing

At the present time, no party proposes to call witnesses for live testimony at the claim construction hearing

IV. P.R. 4-3(a)(5) Other Issues to be Addressed at the Claim Construction Hearing

The parties are not presently aware of any issues which might be taken up at a prehearing conference prior to the Claim Construction Hearing.

V. P.R. 4-3(b) Service of Expert Testimony

In accordance with Patent Rule 4-3(b) the parties will each, simultaneous with this filing, serve a disclosure of expert testimony consistent with Fed. R. Civ. P. 26(a)(2)(B)(i)-(ii) or 26(a)(2)(C) for any expert on which it intends to rely to support its proposed claim construction or indefiniteness position or to oppose any other party's proposed claim construction or indefiniteness position.

Dated: February 28, 2022

Respectfully submitted,

/s/ Vincent J. Rubino, III

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***ATTORNEYS FOR DEFENDANT
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on February 28, 2022, a true and correct copy of the above and foregoing document has been served on counsel of record via the Court's CM/ECF system per Local Rule CV-5(a)(3).

/s/Vincent J. Rubino, III
Vincent J. Rubino, III

CERTIFICATE OF CONFERENCE

I hereby certify that Plaintiff's counsel has met and conferred with counsel for Defendant, and all parties have agreed to the proposed order submitted herewith.

/s/ Vincent J. Rubino, III
Vincent J. Rubino, III